

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

|                             |   |                                  |
|-----------------------------|---|----------------------------------|
| KEVIN DEBERRY, # 97808-020, | ) |                                  |
|                             | ) |                                  |
| Petitioner,                 | ) |                                  |
|                             | ) |                                  |
| v.                          | ) | Civil Action No. 2:19-cv-562-ECM |
|                             | ) | (WO)                             |
| WALTER WOODS,               | ) |                                  |
|                             | ) |                                  |
| Respondent.                 | ) |                                  |

**ORDER**

Now pending before the Court is the Recommendation of the Magistrate Judge (doc. 36) to which no timely objections have been filed. Upon an independent review of the record, and upon consideration of the Recommendation, it is

ORDERED as follows:

1. The Recommendation of the Magistrate Judge (doc. 36) is ADOPTED;
2. The Respondent's motion for summary judgment (doc. 15) is GRANTED;
3. Judgment is GRANTED in favor of the Respondent and against the Petitioner;
4. The petition is DENIED;
5. This case is DISMISSED with prejudice; and
6. Costs are taxed against the Petitioner for which execution may issue.

A separate final judgment will be entered.

DONE this 12th day of January, 2022.

/s/ Emily C. Marks  
EMILY C. MARKS  
CHIEF UNITED STATES DISTRICT JUDGE